

Amendment No. 1

This amendment is made to the attached agreement pertaining to water main construction (copy attached) previously executed by and between the Division of Public Health of the Department of Health and Human Services and the City of Lincoln (System No. NE3110926).

The signature of both parties on this Amendment No. 1 will extend the attached agreement until September 15, 2016. The Division of Public Health of the Department of Health and Human Services and the City of Lincoln agree that all other terms and conditions of the agreement that are not hereby amended remain in full force and effect.

FOR THE SYSTEM



Signature

Type or Print Name

Title

NE3110926
City of Lincoln
2021 North 27th Street
Lincoln, NE 68503

Date

FOR THE DEPARTMENT

Jack L. Daniel, Administrator
Office of Drinking Water and
Environmental Health
P.O. Box 95026
Lincoln, NE 68509-5026

Date

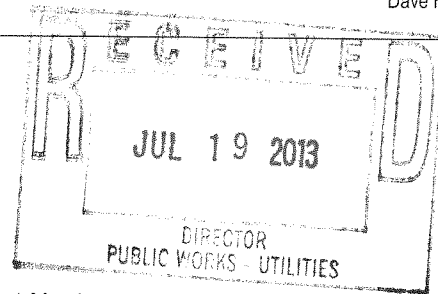
Please check

☒ Checking this box reaffirms that the City of Lincoln will follow the standard specifications approved by the Department on December 11, 2012 and standard drawings approved by the Department on October 8, 2010

July 18, 2013

Division of Public Health

State of Nebraska
Dave Heineman, Governor



Miki Esposito, Director of Public Works
City of Lincoln
555 South 10th Street
Lincoln, NE 68508

Re: PWS – Lincoln, NE – Three Year Agreement – Amendment No.1

Dear Ms. Esposito:

On **September 15, 2013**, the Department's initial Three Year Agreement with the City of Lincoln (System No. NE3110926) is set to conclude. If the Agreement is allowed to expire, the City of Lincoln will then be subject to all the requirements of Title 179 NAC 7. The City of Lincoln would then be required to submit plans and specifications for review and approval for the construction of new distribution mains and replacement of existing distribution water mains (except for those exempted by Title 179 NAC 7-004.02 item 3) that were previously covered under the Agreement.

If the City of Lincoln wishes to continue with the Agreement by extending the initial three year agreement with the Department; the attached form indicating its willingness to amend the original agreement to extend an additional three years must be provided to the Department along with the required annual fee no later than **September 14, 2013**.

Upon extension the City of Lincoln must continue to pay the Department the annual fee indicated in Title 179 NAC 7-005.02 and will be required to indicate that the Department approved standard plans and specifications on file are still up-to-date. When amended, the City of Lincoln may continue to construct new distribution mains and replacement of existing distribution water mains to these approved standards. Any changes of sanitary significance to the approved standard specifications and standard drawings must be submitted to the Department for review and written approval prior to implementation.

Upon receipt of the signed Amendment, the Department may agree to renew the Agreement with the City of Lincoln.

If you have any questions concerning the letter, please feel free to contact me at 402/471-0510. You may also contact Chin Chew at 402/471-0522 or chin.chew@nebraska.gov.

Sincerely,

Jack L. Daniel, Administrator
Office of Drinking Water and Environmental Health
Division of Public Health
Department of Health and Human Services

KDT:pz

Enclosures

xc: Chin Chew, P.E., DHHS-DPH (ec)
Doug Woodbeck, DHHS-DPH (ec)
Nick W. McElvain, Lincoln Water System

PO Box 95026, Lincoln, NE 68509-5026
402/471-0597 • FAX 402/471-6436 • TDD 402/471-9570

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An Equal Opportunity/Affirmative Action Employer
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COPY

AGREEMENT

between the

DIVISION OF PUBLIC HEALTH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

and the

CITY OF LINCOLN

This Agreement is made and entered into by the Division of Public Health of the Department of Health and Human Services (hereinafter Department) and the City of Lincoln, a Public Water System (as defined in Title 179, *Public Water Systems*), (hereinafter System). The contact person for the Department is Jack Daniel, phone 402-471-0510 and the contact person for the System is

I. THE DEPARTMENT.

- A. The Department will not require the System to submit plans and specifications for the construction of new distribution mains and replacement of existing distribution water mains (those not already exempted by Title 179 NAC 7-004.02 item 3) pursuant to this agreement.
- B. The Department will enter into an initial three-year agreement as provided for in Title 179 NAC 7 with a System that pays the annual fee indicated in Title 179 NAC 7-005.02 and meets all of the requirements of this agreement. At the end of the initial three-year period, the agreement may be renewed. If at any time the System fails to meet any of the requirements of this agreement, the Department may terminate this agreement.

II. THE SYSTEM.

- A. The System agrees to pay the Department the annual fee indicated in Title 179 NAC 7-005.02 which is described as follows:

Systems with a population greater than or equal to 100,000	\$1800/year
Systems with a population greater than or equal to 10,000 but less than 100,000	\$ 900/year
Systems with a population greater than or equal to 3300 but less than 10,000	\$ 600/year
Systems with a population less than 3300	\$ 300/year
- B. The annual fee amount shall be paid to the Department within thirty (30) days after the signing of this agreement. Subsequent annual fees must be paid each year within thirty (30) days after the anniversary date of this agreement.
- C. The System shall submit two sets of standard specifications and standard drawings sealed, signed and dated by an engineer registered in the State of Nebraska (hereafter engineer) for approval by the Department. Changes of sanitary significance, as determined by the Department, to the approved standard specifications and standard drawings must be submitted to the Director of Public Health for review and written approval prior to implementation.
- D. The System shall ensure that the sizing of the mains and appurtenances do not cause any part of the water distribution system pressure to go below 20 psi under normal operating conditions.
- E. The System shall ensure that all distribution main projects are designed by an engineer and are in substantial conformance to the "Recommended Standards for Water Works," 2007 Edition. Substantial conformance is defined as siting, design, and construction of drinking water facilities that will not adversely impact public health and/or the ability of a public water system to deliver safe drinking water on a continuous basis.
- F. Distribution main projects with estimated or actual costs that do not exceed \$86,000 do not need to be designed by an engineer, but the System will ensure the project follows the standard specifications and standard drawings approved by the Department.
- G. The System shall provide the Department with an annual list of all water distribution main projects that were placed in service during the previous calendar year by March 31 of each year. Those projects that deviated from the contamination separation standards in Title 179 NAC 7-007 must be noted.

IN WITNESS WHEREOF, the parties have subscribed their signatures.

FOR THE SYSTEM



Signature

Greg MacLean

Type or Print Name

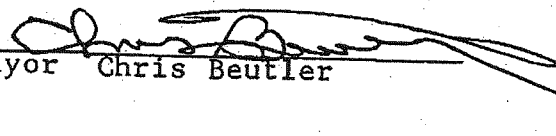
Director of Public Works

Title

NE3110926
City of Lincoln
2021 North 27th Street
Lincoln, NE 68503


Sept. 15, 2010

Date



Mayor Chris Beutler

FOR THE DEPARTMENT



Jack L. Daniel, Administrator
Office of Drinking Water and
Environmental Health
P.O. Box 95026
Lincoln, NE 68509-5026

June 17, 2010

Date

CITY OF LINCOLN

Request for: ☐ Ordinance
☒ Resolution

(Do Not Write in this Space)

Bill Control No. 10R219 Date: 8/20

Docketing Date 8/30/10 P.H. 9/13/10

(To Be Entered by City Clerk)

DATE August 18, 2010	REQUEST MADE BY Steve Huggenberger	DEPARTMENT Law
DESIRED DOCKET DATE: August 30, 2010	IF EMERGENCY, GIVE REASON (See Art. 6, Sec. 2 of Charter)	
Emergency Measure Required: <input type="checkbox"/> Yes <input type="checkbox"/> No		


REASONS OR JUSTIFICATION FOR PROPOSED LEGISLATION

Approving a three year agreement between Lincoln Water System and the Nebraska Department of Health and Human Services related to reviewing plans for construction of new and replacement distribution mains, at an annual cost of \$1800.

FILED

AUG 18 2010

CITY CLERK'S OFFICE
LINCOLN, NEBRASKA

REQUESTOR <input type="checkbox"/> DOES <input type="checkbox"/> DOES NOT		WISH TO REVIEW AND APPROVE THIS ORDINANCE PRIOR TO ITS INTRODUCTION		DIRECTOR'S SIGNATURE 		DATE <u>8/18/10</u>	
TO BE USED BY THE FINANCE DEPARTMENT							
BUDGET REVIEW	DATE:	ACCOUNT NUMBER AND APPROPRIATE BALANCES	DATE:	FUND AVAILABILITY APPROVED	DATE:		
				DIRECTOR OF FINANCE SIGNATURE			
DISTRIBUTION Return two (2) copies to City Clerk for Docket Number							

DETAILS**POLICY/PROGRAM IMPACT**

	POLICY OR PROGRAM CHANGE	<input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____ _____	
	OPERATIONAL IMPACT ASSESSMENT	_____ _____ _____ _____ _____	
	FINANCES		
	COST AND REVENUE PROJECTIONS	COST of total project: \$	
		COST of this Ordinance/ Resolution \$	
		RELATED annual operating Costs \$	
		INCREASE REVENUE EXPECTED/YEAR \$	
	SOURCE OF FUNDS	CITY [Approximately] \$ _____ %	
\$ _____ %			
\$ _____ %			
NON CITY [Approximately] \$ _____ %			
\$ _____ %			
\$ _____ %			
\$ _____ %			
BENEFIT COST <input type="checkbox"/> Front Foot <input type="checkbox"/> Square Foot		Average Assessment \$ _____ \$ _____	

APPLICABLE DATES:

FACT SHEET PREPARED BY:

REVIEW BY: Steve Huggenberger, Law Department

REFERENCE NUMBER